

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-294IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend the Veterinary Practice Act of 1982 to reduce the size of the Board of Veterinary Examiners from 7 members to 5 members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Veterinary Examiners Amendment Act of 2004".

Sec. 2. Section 6 of the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Official Code § 3-505), is amended as follows:

Amend
§ 3-505

(a) Subsection (b) is amended to read as follows:

"(b) The Board shall consist of 5 members appointed by the Mayor with the advice and consent of the Council. Four members of the Board shall be licensed veterinarians and one member shall be a consumer. No full-time or part-time officer or member of any school of veterinary medicine shall be eligible for appointment to the Board."

(b) Subsection (f) is amended to read as follows:

"(f) Of the members first appointed to the Board under the Board of Veterinary Examiners Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled version of Bill 15-149), 2 licensed members shall be appointed to serve terms of 3 years. The 2 licensed members and one consumer member whose nominations to the Board were deemed approved by the Council on January 13, 2003, shall continue to serve the remainder of their 3-year terms after the effective date of the Board of Veterinary Examiners Amendment Act of 2004."

(c) Subsection (h) is repealed.

Sec. 3. Fiscal impact statement.

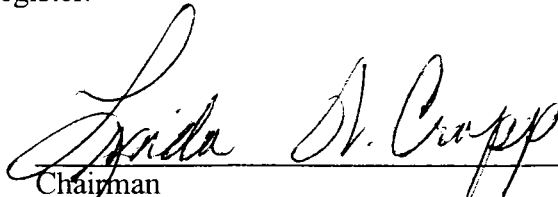
The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

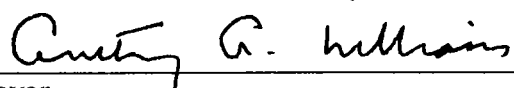
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

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D.C. ACT 15-295

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004*Codification
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To amend the District of Columbia Traffic Adjudication Act of 1978, and Title 18 of the District of Columbia Municipal Regulations to provide for a refund of the fee for appealing a notice of traffic infraction, as well as the transcript fee, to a person who prevails in an appeal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Traffic Adjudication Appeal Fee Amendment Act of 2004".

Sec. 2. Section 402 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2304.02), is amended as follows:

Amend
§ 50-2304.02

(a) Designate the existing text as subsection (a).

(b) Add a new subsection (b) to read as follows:

"(b) An aggrieved person who is successful in the appeal of a determination of the existence of liability or the sanction imposed under this subtitle, or both, shall be entitled to a refund of any fee imposed for bringing the appeal."

Sec. 3. Section 3015.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Strike the phrase "which shall not be refundable".

(b) Add a new sentence to the end to read as follows: "This fee shall be refunded to any appellant who is successful in an appeal."

Sec. 4. Section 3017.3 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Add a new sentence to the end to read as follows: "This fee shall be refunded to any appellant who is successful in an appeal."

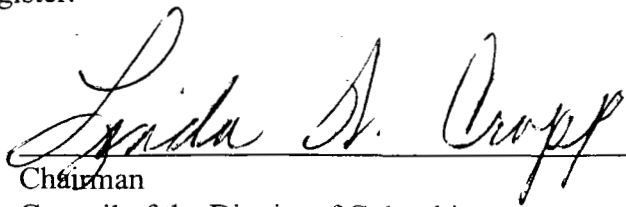
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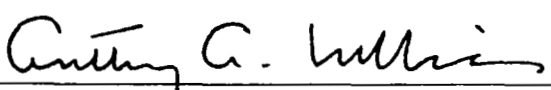
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

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AN ACT
D.C. ACT 15-296

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004Codification
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To amend the Health Care Privatization Amendment Act of 2001 to add authority for the Mayor to issue rules and to require that proposed rules be submitted to the Council for a 30-day period of review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Care Privatization Rulemaking Amendment Act of 2004".

Sec. 2. The Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*), is amended by adding a new section 7a to read as follows:

"Sec. 7a. Rules.

"The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by act within the 30-day period, the proposed rules shall be deemed disapproved."

Sec. 3. Fiscal impact statement.

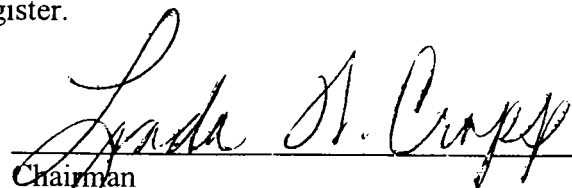
The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

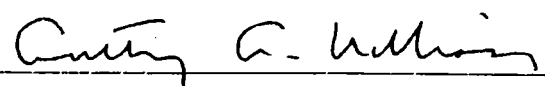
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
January 27, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-297

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004

To order the closing of a portion of Jewett Street, N.W., between Connecticut Avenue, N.W., and Klinge Road, N.W., and adjacent to Square 2214, in Ward 3.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing a Portion of Jewett Street, N.W., S.O. 98-272, Act of 2004".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that a portion of Jewett Street, N.W., as shown on the Surveyor's plat filed under S.O. 98-272, is unnecessary for street purposes and orders it closed, with title to vest as shown on the Surveyor's plat.


Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

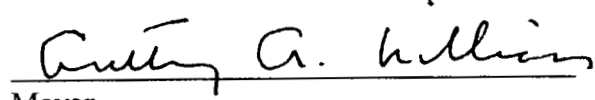
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code 4 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

AN ACT
D.C. ACT 15-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004

To order the closing of portions of the alley system in Square 2868, bounded by Clifton Street, N.W., 13th Street, N.W., Belmont Street, N.W., and 14th Street, N.W., in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Portions of the Alley System in Square 2868, S.O. 01-4094, Act of 2004".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that portions of the alley system in Square 2868, as shown on the Surveyor's plat filed under S.O. 01-4094, are unnecessary for alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of these closings, which will not impact the improved public alley linking 13th Street, N.W., and Belmont Street, N.W., is contingent upon the satisfaction of the conditions of District agencies and affected public utilities as set forth in the official file on S.O. 01-4094 and the securing of the western-most alley to be closed in such a way as to prevent illegal dumping.

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

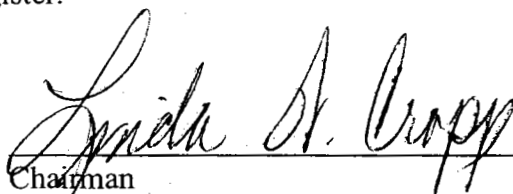
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

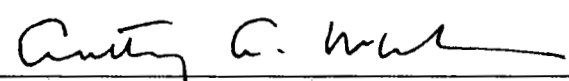
Sec. 5. This act shall take effect following approval by the (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat.813, D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

AN ACT
D.C. ACT 15-299
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004

*Codification
District of
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Official Code*

2001 Edition

2004 Spring
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To amend the Washington Convention Center Authority Act of 1994 to eliminate the limit on the number of consecutive terms that may be served by a member of the Board of Directors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Term Limit Amendment Act of 2004".

Sec. 2. Section 205(b)(1) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05(b)(1)), is amended by striking the phrase ", and no Board member shall serve more than 2 consecutive terms".

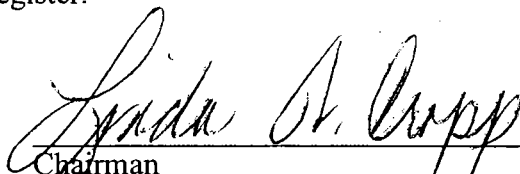
Note,
§ 10-1202.05

Sec. 3. Fiscal impact statement.

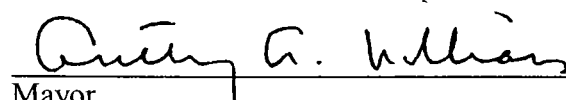
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
January 27, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2004 Spring
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Publisher

To amend the Retail Electric Competition and Consumer Protection Act of 1999 to allow the Public Service Commission the flexibility to facilitate wholesale competitive bidding, conduct retail competitive bidding, or both, for standard offer service, to permit standard offer service to be provided by the incumbent electric company, to change the date after which the standard offer service provider or providers will provide standard offer service to February 7, 2005, to clarify that the Commission's contingency plan for standard offer service shall apply in the event of either insufficient or inadequate competitive bids, and to require the Public Service Commission to determine the threshold financial viability of wholesale bidders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electric Standard Offer Service Amendment Act of 2004".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D. C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 34-1501) is amended by adding a new paragraph (29) to read as follows:

Amend
§ 34-1501

"(29) "Wholesale electricity supplier" means the electric company, which, pursuant to section 109, obtains bids from, and contracts for electric service with, third parties and provides standard offer service to retail customers."

(b) Section 109 (D.C. Official Code § 34-1509) is amended as follows:

Amend
§ 34-1509

(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "January 1, 2005" and inserting the phrase "February 7, 2005" in its place.

(B) Paragraph (2)(A) is amended by striking the phrase "January 1, 2005" and inserting the phrase "February 7, 2005" in its place.

(2) Subsection (c) is amended to read as follows:

"(c) Before January 2, 2004, the Commission shall adopt regulations or issue orders establishing terms and conditions for standard offer service and for the selection of an electricity

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supplier or suppliers (retail, wholesale, or both) to provide standard offer service after February 7, 2005. The terms and conditions applicable to the selection of an electricity supplier or suppliers shall include:

“(1) Protection against a standard offer service provider's failure to provide service;

“(2) An appropriate rate design, subject to the restrictions in subsection (d) of this section;

“(3) The appropriate length of a standard offer service contract awarded under subsection (d) of this section; and

“(4) A contingency plan in the event of insufficient or inadequate bids; provided, that a contingency plan may award the standard offer service to the electric company or an affiliate of the electric company if it is in the public interest.”.

(3) Subsection (d)(1) is amended to read as follows:

“(1) After the regulations or orders mandated by subsection (c) of this section are issued, the Commission shall conduct competitive bid procedures for the selection of a retail electricity supplier or suppliers to provide standard offer service for the District of Columbia after February 7, 2005; authorize the electric company, as a wholesale electricity supplier, to conduct competitive bid procedures to obtain third-party contracts to provide standard offer service for the District of Columbia after February 7, 2005; or both. If competitive bid procedures for the selection of a retail electricity supplier or suppliers to provide standard offer service are conducted by the Commission, the competitive selection of retail electricity supplier or suppliers to provide standard offer service shall occur before July 2, 2004. In conducting retail bid procedures or facilitating the wholesale bid process under this subsection, the Commission:

“(A) Shall ensure that the price for standard offer service will not hinder the development of a competitive electricity supply market in the District of Columbia; and

“(B) May, in its discretion, solicit the payment, by the retail electricity supplier or suppliers chosen to provide standard offer service, of a bid premium.”.

(4) A new subsection (e) is added to read as follows:

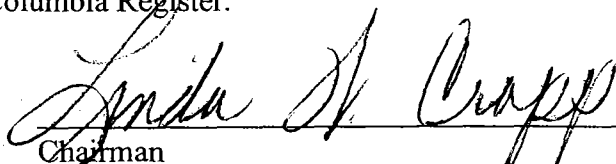
“(e) The Commission shall determine the threshold financial viability of wholesale bidders.”.

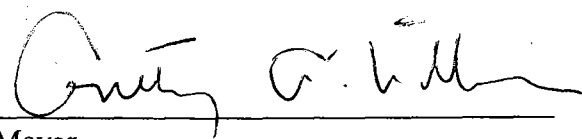
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following the approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-301

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004

To order the closing of portions of the alley in Square 2672, bounded by Irving Street, N.W., Columbia Road, N.W., and 14th Street, N.W., in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys in Square 2672, S.O. 03-757, Act of 2004".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portions of the alley in Square 2672, as shown on the Surveyor's plat filed under S.O. 03-757, are unnecessary for alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of the conditions of the District Department of Transportation, the District of Columbia Water and Sewer Authority, the District of Columbia Office of Planning, and those of any other District agencies and affected public utilities as set forth in the official file on S.O. 03-757.

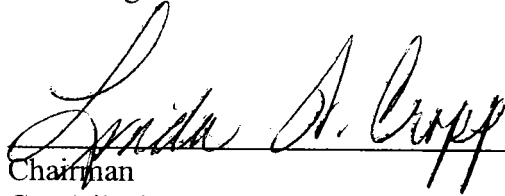
Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

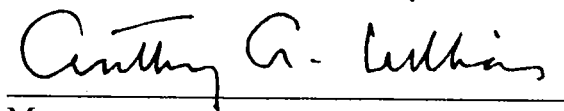
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-302IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004Codification
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To amend, on a temporary basis, the Office of Administrative Hearings Establishment Act of 2001 to establish that the office shall not have mandatory jurisdiction to hear District of Columbia Public Schools special education cases, which jurisdiction threatens to impair the independence of the office, and to clarify that funding for the adjudication of District of Columbia Public Schools special education cases shall remain in the Fiscal Year 2004 budget of the District of Columbia Public Schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Administrative Hearings Independence Preservation Temporary Amendment Act of 2004".

Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 5(c)(2) (D.C. Official Code § 2-1831.02(c)(2)) is repealed.

(b) Section 6 (D.C. Official Code § 2-1831.03) is amended as follows:

(1) Subsection (a)(4) is repealed.

(2) Subsection (c) is amended to read as follows:

"(c) Those agencies that are not included in subsections (a) or (b) of this section may:

"(1) Refer individual cases to the Office, with the approval of the Chief Administrative Law Judge; or

"(2) Elect to be covered by this act, subject to the approval of the Chief Administrative Law Judge and the Mayor, and upon such terms as the Mayor may set."

Note,
§ 2-1831.02
Note,
§ 2-1831.03

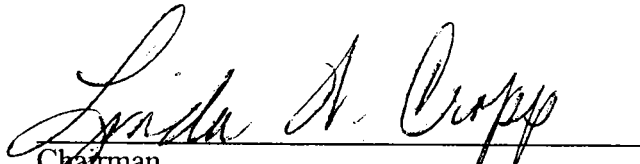
Sec. 3. Fiscal impact statement.

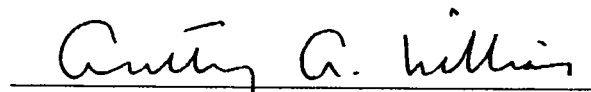
This legislation will not have a fiscal impact because the District of Columbia Public Schools' Fiscal Year 2004 budget includes \$1.8 million in funding for special education adjudications, from which the Chief Financial Officer was mandated to transfer a pro rata share to the Office of Administrative Hearings once that office assumed responsibility for special education adjudications. This legislation provides in section 2(b) that special education cases shall not be part of the Office of Administrative Hearings' mandatory jurisdiction and further provides in section 2(a) that all funding budgeted for special education cases shall remain in the District of Columbia Public Schools' Fiscal Year 2004 budget and shall not be transferred to the Office of Administrative Hearings.

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, section 407 of the District of Columbia Public Assistance Act of 1982 to require that applications for Interim Disability Assistance be processed with reasonable promptness, to authorize the Mayor to establish rules for the application process, and to establish that the monthly grant amount shall be the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Interim Disability Assistance Temporary Amendment Act of 2004".

Sec. 2. Section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13-252; D.C. Official Code § 4-204.07), is amended as follows:

*Note,
§ 4-204.07*

(a) Subsection (b) is amended to read as follows:

"(b) Applications for IDA shall be approved or disapproved by the Mayor with reasonable promptness. Other aspects of the application process, including good-cause exceptions to the application-processing standard, shall be determined by rules established by the Mayor. The monthly grant amount shall be the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program, as determined under section 552."

(b) Subsection (d) is amended as follows:

(1) Paragraph (1)(C) is amended by striking the phrase "applicable to the TANF program" and inserting the phrase "established by the Mayor" in its place.

(2) Paragraph (2) is amended as follows:

(A) Subparagraph (B) is amended by striking the word "and" at the end.

(B) Subparagraph (C) is amended by striking the phrase "number." and inserting the phrase "number; and" in its place.

(C) A new subparagraph (D) is added to read as follows:

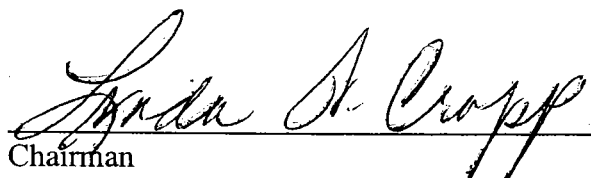
"(D) As a condition of eligibility, an applicant for or recipient of IDA shall cooperate with an entity designated by the Mayor to provide case management and legal advocacy in the SSI application and appeal process."

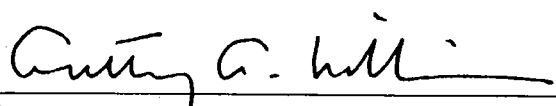
Sec. 3. Fiscal impact statement.
There is no fiscal impact.

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency () Temporary (X) Permanent ()	Date Reported: December 16, 2003
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Subject/Short Title: "Washington Convention Center Authority Advisory Committee Continuity Second Temporary Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	()
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	()	(X)

Explanation

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Will there be performance measures/output for this amendment?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this amendment is enacted or not enacted?	()	(x)
4. Will the Budget and Financial Plan be affected by this bill?	()	(x)

Sources of information: Staff

Councilmember: Jack Evans

Staff Person & Tel: Schannette Grant, 724-8058

Reviewed by Budget Director:

Budget Office Tel: 202-724-8139

12/15/03

AN ACT
D.C. ACT 15-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish a mandatory drug and alcohol testing program for certain District of Columbia government applicants and employees; to establish a criminal background check program for employees and volunteers of District of Columbia agencies that provide direct services to children and youth, and for employees of the Child Support Enforcement Division of the Office of the Corporation Counsel; to establish uniform health screening requirements and the use of uniform health forms for all District of Columbia children; to authorize the Director of the Department of Human Services to take a child into custody when a child committed to the legal custody of the Department absconds from a community-based placement or violates any of the terms of his or her placement; to establish an Early Intervention Program to provide early intervention services for infants and toddlers from birth to 2 years of age and their families; to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that nurses be assigned to public charter schools; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to designate all areas within 1000 feet of public charter schools as drug free zones; and to establish a Postsecondary Education Assistance Trust Fund to assist needy children with the cost of postsecondary education, utilizing funds generated by an individual income tax check-off.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004".

TITLE I. MANDATORY DRUG AND ALCOHOL TESTING PROGRAM.

Sec. 101. Short title.

This title may be cited as the "Mandatory Drug and Alcohol Testing for the Protection of Children Temporary Amendment Act of 2004".

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Sec. 102. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new title XX-C to read as follows:

"TITLE XX-C

"MANDATORY DRUG AND ALCOHOL TESTING FOR
CERTAIN EMPLOYEES WHO SERVE CHILDREN.

"Sec. 2031. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means any person who has filed any written employment application forms to work for the District of Columbia government, or has been tentatively selected for employment.

"(2) "Children" means individuals 12 years of age and under.

"(3) "District" means the District of Columbia.

"(4) "District employee" means an employee of the District of Columbia government.

"(5) "Drug" means an unlawful drug and does not include over-the-counter prescription medications.

"(6) "Employee" means any person employed in a position for which he or she is paid for services on any basis.

"(7) "Post-accident employee" means a District employee in a safety-sensitive position who, while on-duty, is involved in a vehicular or other type of accident resulting in personal injury or property damage, or both.

"(8) "Probable cause" or "reasonable suspicion" means a reasonable belief by a supervisor that an employee in a safety-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

"(9) "Random testing" means drug or alcohol testing conducted on a District employee at an unspecified time for purposes of determining whether any District employee subject to drug testing has used drugs or alcohol and, as a result, is unable to satisfactorily perform his or her employment duties.

"(10) "Reasonable suspicion referral" means referral of an employee in a safety-sensitive position for testing by the District for drug or alcohol use.

"(11) "Safety-sensitive position" means employment in which the employee has direct contact with children and youth, is entrusted with the direct care or custody of children and youth, and whose performance of his or her duties may affect the health, welfare, or safety of children and youth.

"(12) "Youth" means individuals between 13 and 17 years of age, inclusive.

"Sec. 2032. Employee testing.

"(a) The following individuals shall be tested by the District government for drug and alcohol use:

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- "(1) Applicants for employment in safety-sensitive positions;
 - "(2) Applicants for employment in positions in the Child Support Enforcement Division of the Office of the Corporation Counsel, including temporary and contractual positions;
 - "(3) Those employees who have had a reasonable suspicion referral;
 - "(4) Post-accident employees, as soon as reasonably possible after the accident;
- and
- "(5) District government employees or contractual employees who work in safety-sensitive positions.

"(b) The District shall only subject employees in subsection (a)(3) and (a)(5) of this section to random testing.

"(c) Supervisors shall be trained in substance abuse recognition and shall receive a second opinion from another supervisor prior to making a reasonable suspicion referral.

"(d) Employees shall be given at least a 30-day (calendar) written notice from March 26, 2002 that the District is implementing a drug and alcohol testing program. Upon receipt of a written notice of the program, each employee shall be given one opportunity to seek treatment, if he or she has a drug or alcohol problem. Following March 26, 2002, the Department shall procure a testing vendor and testing shall be implemented as described in this title.

"Sec. 2033. Motor vehicle operators.

"Any District government employee who operates a motor vehicle in the performance of his or her employment within the District of Columbia shall be deemed to have given his or her consent, subject to the conditions in this title, to the testing of the employee's urine or breath for the purpose of determining drug or alcohol content whenever a supervisor has probable cause or a police officer arrests such person for a violation of the law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's breath contains .08 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof, or while that person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor.

"Sec. 2034. Testing methodology.

"(a) Testing shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services ("HHS") to perform job-related drug and alcohol forensic testing.

"(b) For random testing of employees, the contractor shall, at a location designated by the District to collect urine specimens on-site, split each sample and perform enzyme-multiplied-immunossay technique ("EMIT") testing on one sample and store the split of that sample. Any positive EMIT test shall be then confirmed by the contractor, using the gas chromatography/mass spectrometry ("GCMS") methodology.

"(c) Any District employee found to have a confirmed positive urinalysis shall be notified of the result. The employee may then authorize that the stored sample be sent to

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another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GCMS testing method.

"(d) Reasonable suspicion and post-accident employee testing shall follow the same procedures set forth in subsections (a) through (c) of this section. In such cases, the employee shall be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyzer.

"(e) A breathalyzer shall be deemed positive by the District's testing contractor if the contractor determines that 1 milliliter of the employee's breath (consisting of substantially alveolar air) contains .38 micrograms or more of alcohol.

"Sec. 2035. Procedure and employee impact.

"A drug and alcohol testing policy shall be issued in advance of implementing the drug and alcohol program to inform employees of the requirements of the program and to allow each employee one opportunity to seek treatment, if he or she has a drug or alcohol program. Thereafter, any confirmed positive drug test results, positive breathalyzer test, or a refusal to submit to a drug test or breathalyzer shall be grounds for termination of employment in accordance with this act. This testing program shall be implemented as a single program. The results of a random test shall not be turned over to any law enforcement agency without the employee's written consent.

"Sec. 2036. Coverage of private providers.

"Each private provider that contracts with the District of Columbia to provide employees to work in safety-sensitive positions shall establish mandatory drug and alcohol testing policies and procedures that are consistent with the requirements of this title.

"Sec. 2037. Rules.

"The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title."

TITLE II. CRIMINAL BACKGROUND CHECKS.

Sec. 201. Short title.

This title may be cited as the "Criminal Background Checks for the Protection of Children Temporary Act of 2004".

Sec. 202. Definitions.

For the purposes of this title, the term:

(1) "Agency that provides direct services to children and youth" means any public or private District agency that provides to children and youth, or for the benefit of children and youth, services that affect the health, safety, and welfare of children and youth, including individual and youth counseling, therapy, case management, supervision, or mentoring.

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(2) "Applicant" means an individual who has filed a written application for employment with any public or private District agency that provides direct services to children and youth or an individual who has made an affirmative effort through a written application or a verbal request to serve in a volunteer position with a public or private District agency that provides direct services to children and youth. Applicant shall also mean an individual who has filed a written application for employment with the Child Support Enforcement Division of the Office of the Corporation Counsel.

(3) "Children" means individuals 12 years of age and under.

(4) "Criminal background check" means the investigation of a person's criminal history through the record systems of the Federal Bureau of Investigation and the District of Columbia Metropolitan Police Department.

(5) "District" means the District of Columbia.

(6) "Employee" means an individual who is employed on a full-time, part-time, temporary, or contractual basis by a District agency that provides direct services to children and youth.

(7) "FBI" means Federal Bureau of Investigation.

(8) "MPD" means the District of Columbia Metropolitan Police Department.

(9) "Volunteer" means any individual who works without any monetary or any other financial compensation for any District agency that provides direct services to children and youth.

(10) "Youth" means individuals between 13 and 17 years of age, inclusive.

Sec. 203. Criminal background checks required for certain individuals.

The following individuals shall apply for criminal background checks in accordance with the requirements of section 205(a):

(1) Each applicant who is under consideration for employment, either compensated or voluntary, by any public or private District agency that provides direct services to children and youth, as defined by regulations promulgated pursuant to section 208.

(2) Each person who is employed by any public or private District agency that provides direct services to children and youth, as defined by regulations promulgated pursuant to section 208.

(3) Each applicant under consideration for employment by the Child Support Enforcement Division of the Office of Corporation Counsel, as defined by regulations promulgated pursuant to section 208.

(4) Each person employed by the Child Support Enforcement Division of the Office of the Corporation Counsel, as defined by regulations promulgated pursuant to section 208.

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Sec. 204. Authorization to obtain records.

(a) The Mayor is authorized to obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department and traffic records maintained by the Department of Motor Vehicles to investigate a person applying for employment, in either a compensated or a volunteer position, or current employees and volunteers of public and private agencies that provide direct services to children and youth.

(b) Before any applicant for employment, in either a compensated or a volunteer position, with an agency providing direct services to children and youth may be offered a position, the Mayor or the private agency shall inform the applicant that a criminal background check must be conducted on him or her, and in the case of an employee or volunteer who is required to drive a motor vehicle to transport children in the course of performing his or her duties, a traffic record check must also be conducted.

(c) The Mayor is authorized to obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department and traffic records maintained by the Department of Motor Vehicles to investigate a person employed by the Child Support Enforcement Division of the Office of Corporation Counsel.

(d) Before any applicant for employment with the Child Support Enforcement Division of the Office of the Corporation Counsel may be offered a position, the Mayor shall inform the applicant that a criminal background check must be conducted on him or her, and in the case of an employee who is required to drive a motor vehicle to transport children in the course of performing his or her duties, a traffic record check must also be conducted.

Sec. 205. Criminal background checks required before offer of employment

(a) An individual described in section 203 shall not be offered employment until a criminal background check has been conducted on that person and the person is determined to meet the requirements of this title. The individual shall submit to a criminal background check by means of fingerprint and National Criminal Information Center checks conducted by the Mayor and the FBI. The individual shall provide a complete set of legible fingerprints on a fingerprint card, in a form approved by the FBI. These fingerprints shall be available for use by the Mayor and the FBI to conduct a local and national criminal history record check of the individual.

(b) The Mayor shall conduct a criminal background check once the applicant has provided:

- (1) A set of qualified fingerprints;
- (2) Written approval authorizing the Mayor to conduct a criminal background check;
- (3) A confirmation that he or she has been informed by the Mayor or the District agency that the Mayor is authorized to conduct a criminal background check on the applicant;

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(4) Any additional identification that is required, such as name, social security number, birth date, and gender;

(5) An affirmation that he or she has not been convicted of a crime in the District of Columbia or in any other state or territory, for any of the following felony offenses or their equivalent in another state or territory:

- (A) Murder, attempted murder, manslaughter or arson;
- (B) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;
- (C) Burglary;
- (D) Robbery;
- (E) Kidnapping;
- (F) Theft, fraud, forgery, extortion, or blackmail;
- (G) Illegal use or possession of a firearm;
- (H) Trespass or injury to property;
- (I) Rape, sexual assault, sexual battery, or sexual abuse;
- (J) Child abuse or cruelty to children; or
- (K) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance;

(6) An acknowledgment that the Mayor or the District agency has notified the applicant of the applicant's right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

(7) An acknowledgment that the Mayor or the District agency may choose to deny the applicant employment or a volunteer position based on the outcome of the criminal background check.

(c) Each employee or volunteer shall be required to submit to periodic criminal background checks while employed by or volunteering at any District agency covered by this title.

Sec. 206. Establishment of office to conduct criminal background checks.

The Mayor shall establish a District government office to conduct the criminal background checks, including the fingerprinting of individuals required by section 205. The office shall be staffed, at minimum, by one FBI-approved person to fingerprint applicants for criminal background checks and one person to provide clerical services. The office shall conduct criminal background checks in accordance with FBI policies and procedures and shall be housed in an FBI-approved environment.

Sec. 207. Confidentiality of information to be maintained.

All criminal background records received by the Mayor shall be confidential and are for the exclusive use of making employment-related determinations under this title. The records

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shall not be released or otherwise disclosed to any person except when:

- (1) Required as one component of an application for employment with a District agency covered under this title;
- (2) Requested by the Mayor or his or her designee during an official inspection or investigation;
- (3) Ordered by a court;
- (4) Authorized by the written consent of the person being investigated; or
- (5) Utilized for a corrective or adverse action in a personnel proceeding.

Sec. 208. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title. The rules shall include:

- (1) Standards for determining whether public or private agencies are required to comply with the requirements of this title;
- (2) Procedures for agencies to challenge the determination that they are required to comply with this title;
- (3) Procedures for an applicant or employee to challenge allegations that he or she committed a proscribed offense;
- (4) A sliding fee schedule for the payment of the cost of criminal background checks; and
- (5) A description of the corrective or adverse actions that may be taken against an agency or employee that violates the provisions of this title.

Sec. 209. Submission of names of public and private agencies that provide direct services to children and youth.

(a) Each District government agency shall submit to the Mayor the names of any public or private agency that provides direct services to children and youth with employees or volunteers that it believes should be subject to the criminal background check requirements of this title within 30 days of March 26, 2002.

(b) The Mayor shall publish a notice in the District of Columbia Register requesting that District residents and agencies submit the names of public and private agencies that provide direct services to children and youth and whose employees and volunteers should be subject to the criminal background check requirements of this title within 45 days from the date of publication of the notice.

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Sec. 210. Assessment of information on public and private agencies.

The Mayor shall review the information on public and private agencies submitted pursuant to section 209 and any other available information to make a decision on the agencies that will be required to comply with this title.

Sec. 211. Notice to agencies for employees and volunteers to obtain criminal background checks.

(a) The Mayor shall publish in the District of Columbia Register a notice that applicants for employment with and employees of clearly identified private agencies that provide direct services to children and youth are required to apply for criminal background checks within 45 days from the date of publication of the notice.

(b) The notice shall inform agencies subject to the requirements of this title of the location of the office in which applications for criminal background checks are to be made.

Sec. 212. Licensure requirements and reimbursement for cost of criminal background checks.

(a) Prior to the issuance or the renewal of any license for an agency that provides direct services to children and youth to operate, the agency shall provide evidence that criminal background checks have been conducted on its employees and volunteers who provide direct services to children and youth. A license shall not be issued or renewed for any private agency that has employees or volunteers who provide direct services to children and youth in the District of Columbia and who have not had criminal background checks.

(b) The Mayor shall establish, by regulation, a sliding fee schedule for the payment of the cost of criminal background checks by public and private agencies in the District of Columbia.

Sec. 213. Penalty for providing false information.

An applicant for employment or a volunteer position with any District agency that provides direct services to children and youth who provides false information in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

Sec. 214. Penalties for disclosing confidential information.

(a) An individual who discloses confidential information in violation of section 207 is guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

(b) Prosecutions for violations of this title shall be brought in the name of the District upon information by the Corporation Counsel.

TITLE III. CHILD HEALTH REQUIREMENTS.

Sec. 301. Short title.

This title may be cited as the "Uniform Child Health Screening Requirements and Reporting Form Temporary Act of 2004".

Sec. 302. Purpose.

The purpose of this legislation is:

- (1) To establish uniform health screening requirements for all children, from birth to 21 years of age, in the District of Columbia, regardless of their insurance status, including children who are wards of the District and children with special needs who reside or are receiving services in another state;
- (2) To improve the overall health status of all children by ensuring consistency in health screening and early detection of health problems and enabling children to obtain the necessary prevention, treatment, and intervention services at the earliest opportunity;
- (3) To reduce parental stress and increase parental satisfaction and compliance with health screening requirements by using a uniform health form for participation or enrollment in all child-related health, human or social services, and educational programs; and
- (4) To provide the Mayor with the information necessary to effectively plan, establish, and evaluate a comprehensive system of appropriate preventive services for children for early detection of potential health problems.

Sec. 303. Definitions.

For the purposes of this title, the term:

- (1) "Child-related educational program" means public and private schools, including pre-kindergarten, kindergarten, and special education.
- (2) "Child-related health program" means Medicaid, Children Health Insurance Program ("CHIP"), Healthy Start, Healthy Families, Early Intervention, and private health insurance.
- (3) "Child-related human or social services program" means child-care programs, children in foster care, Head Start, and Women, Infants and Children.
- (4) "Uniform health form" means a standardized form developed by the Mayor for use during periodic physical examinations of children.

Sec. 304. Establishment of uniform health screening requirements and forms.

- (a) The Mayor shall establish uniform health screening requirements consistent with the standards and schedules of the American Academy of Pediatrics for all children, from birth to 21 years of age, in the District of Columbia, regardless of insurance status, including children who are wards of the District and children with special needs who reside or who are receiving services in another state.

ENROLLED ORIGINAL

(b) The Mayor shall develop a uniform health form for enrollment of children in child-related health, human or social services, and educational programs.

Sec. 305. Payment for health screenings.

(a) An insurer's health benefits plan shall include the uniform health screening requirements for children from birth to age 21 years in the District, including children with special needs who reside or who are receiving services in another state.

(b) The enrollments for Medicaid, Head Start, Healthy Families, and CHIP are expanded to include the requirement of uniform health screenings for all children.

Sec. 306. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title.

TITLE IV. AUTHORIZATION FOR THE DEPARTMENT OF HUMAN SERVICES TO TAKE CHILDREN INTO CUSTODY.

Sec. 401. Short title.

This title may be cited as the "Juvenile Protective Custody Temporary Act of 2004".

Sec. 402. Section 16-2309(a) of the District of Columbia Official Code is amended as follows:

Note,
§ 16-2309

(a) Paragraph (7) is amended by striking the word "or" at the end.

(b) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(c) A new paragraph (9) is added to read as follows:

"(9) by the Director of the Department of Human Services when a child committed to the legal custody of the Department of Human Services absconds from a community-based placement or violates any of the terms of his or her aftercare placement. For the purposes of this paragraph, the term "aftercare placement" means the placing of a child who has been committed to the legal custody of the Department of Human Services in the community under the supervision of a trained social worker."

TITLE V. ESTABLISHMENT OF THE D.C. EARLY INTERVENTION PROGRAM.

Sec. 501. Short title.

This title may be cited as the "D.C. Early Intervention Program Establishment Temporary Act of 2004".

ENROLLED ORIGINAL

Sec. 502. Purpose.

The purpose of this legislation is:

- (1) To enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;
- (2) To reduce the educational costs to our society, including our schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;
- (3) To minimize the likelihood for institutionalization of individuals with disabilities and maximize the potential for their independent living in society;
- (4) To enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities;
- (5) To establish collaborative activities among agencies of the District of Columbia that administer programs relating to young children to maximize the quality of early intervention services; and
- (6) To enhance the capacity of city agencies and service providers to identify, evaluate, and meet the special needs of historically under-represented populations, particularly minorities, low-income, and inner-city populations.

Sec. 503. Establishment of Early Intervention Program and Interagency Coordinating Council.

(a) There is established in the District of Columbia an Early Intervention Program ("Program") to provide early intervention services to infants and toddlers, from birth through 2 years of age, and their families. The Program will be administered and supervised by a lead agency designated by the Mayor. The services shall be provided in accordance with the requirements of the Individuals with Disabilities Education Act, approved June 4, 1997 (111 Stat. 37; 20 U.S.C. §§ 1400 *et seq.*).

(b) There is established an Interagency Coordinating Council to advise and assist the Mayor with the implementation of the Program, including the establishment of interagency agreements.

Sec. 504. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title.

TITLE VI. ASSIGNMENT OF NURSES TO PUBLIC CHARTER SCHOOLS.

Sec. 601. Short title.

This title may be cited as the "Public Charter School Nurse Assignment Temporary Amendment Act of 2004".

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Sec. 602. Section (2)(a) of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621(a)), is amended by adding the phrase "and public charter" after the word "public".

Note,
§ 38-621

TITLE VII. DRUG FREE ZONES WITHIN 1000 FEET OF PUBLIC CHARTER SCHOOLS.

Sec. 701. Short title.

This title may be cited as the "Public Charter Schools Drug Free Temporary Amendment Act of 2004".

Sec. 702. Section 407a of the District of Columbia Uniform Controlled Substances Act of 1981, effective March 21, 1995 (D.C. Law 10-229; D.C. Official Code § 48-904.07a(a)), is amended by adding after the phrase "secondary school," the phrase "public charter school,".

Note,
§ 48-904.07a

TITLE VIII. POSTSECONDARY EDUCATION TAX CHECK-OFF FOR NEEDY INDIVIDUALS.

Sec. 801. Short title.

This title may be cited as the "Postsecondary Education Assistance Trust Fund Tax Check-Off Temporary Act of 2004".

PART A

Sec. 802. Definitions.

For the purposes of this title, the term:

- (1) "District" means the District of Columbia.
- (2) "Needy Families" means any family that qualifies for federal assistance as defined by the guidelines in the Federal Application for Student Financial Aid.
- (3) "Tax check-off" means the postsecondary education assistance tax check-off system established in D.C. Official Code § 47-1812.11c.
- (4) "Trust Fund" means the Postsecondary Education Assistance Trust Fund established in section 803.

Sec. 803. Establishment of the Postsecondary Education Assistance Trust Fund.

(a) There is established a Postsecondary Education Assistance Trust Fund into which shall be deposited the funds generated by the tax check-off established by D.C. Code § 47-1812.11c and any other funds generated by the Trust Fund's Board of Directors.

(b) The Trust Fund shall be used to assist needy residents of the District of Columbia in pursuing postsecondary education opportunities.

Sec. 804. Establishment of Board of Directors.

(a) A self-perpetuating Board of Directors is established to manage the affairs of the Trust Fund. The Board of Directors shall consist of 11 members. The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve as ex-officio members of the Board of Directors. The remaining 8 members shall include parents of individuals who qualify to receive trust funds and representatives of organizations who have demonstrated a knowledge of postsecondary education and who reflect a diversity of gender and ethnicity.

(b) The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve terms as members of the Board of Directors for the same duration as the terms of their respective offices.

(c) The 8 initial nongovernmental members shall serve the following terms: 2 members shall serve 3 years; 3 members shall serve 2 years; and 3 members shall serve one year.

(d) The 8 initial nongovernmental members shall be appointed by the Mayor.

(e) If one of the 8 initial nongovernmental members is unable to serve or is removed, the remaining members shall select a replacement member according to the representational requirements of subsection (a) of this section.

(f) The Board of Directors shall appoint nongovernmental replacement members so that subsequent Board of Directors meet the representational requirements of subsection (a) of this section and the bylaws adopted by the Board of Directors. A succeeding member shall serve

the balance of the term of the member that he or she succeeds if the term has not expired. A succeeding member who succeeds a member whose term has expired shall serve a term of 3 years. No member shall serve more than 2 consecutive terms, whether partial or full.

(g) Members shall be compensated only for out-of-pocket expenses incurred in the performance of their responsibilities as members of the Board of Directors.

(h) The Board of Directors shall elect a chairperson from among its members. The Board of Directors may elect other officers and form committees as it considers appropriate.

(i) A member may be removed by a 2/3 vote of the remaining members.

Sec. 805. Powers and responsibilities of the Board of Directors.

The Board of Directors shall:

- (1) Administer the Trust Fund;
- (2) File such papers as may be required by the Recorder of Deeds of the District of Columbia;
- (3) Have the power to adopt, amend, or repeal bylaws for operation of the Trust Fund;
- (4) Meet not less than quarterly, at a time to be determined;

- (5) Assess the needs of postsecondary educational programs in the District;
- (6) Develop and implement program recommendations to assist residents with the cost of postsecondary education;
- (7) Develop and implement proposal solicitations and establish criteria for the awarding of grants to assist the postsecondary educational needs of District residents;
- (8) Review, approve, and monitor the expenditures of the Trust Fund and postsecondary education programs;
- (9) Provide information to the public about the purpose and work of the Trust Fund;
- (10) Hire and monitor an executive director for the Trust Fund; and
- (11) Invite comments and recommendations at least annually from interested postsecondary educational coalitions and community organizations on the Trust Fund's program plans.

Sec. 806. Administration of Trust Fund.

- (a) Administrative expenses shall not exceed 10% of the funds available in the Trust Fund.
- (b) One year after its original formation, the Board of Directors shall develop a District-wide plan for the distribution of funds from the Trust Fund. The Board of Directors shall develop subsequent plans before September 30th of each year. The purpose of the annual plan is to assure that the funds are awarded to needy District residents.
- (c) The Board of Directors shall distribute funds that are generated by the tax check-off system established in D.C. Official Code § 47-1812.11c on a regular schedule, as determined by the Board.
- (d) The Board of Directors shall publish guidelines pursuant to which students who are residents of the District of Columbia may apply for funds to pursue secondary educational opportunities.
- (e) By September 30th of each year, the Board of Directors shall publish an estimated projection of funds generated by the tax check-off based on the income tax returns filed by April 15th of each year.
- (f) The Board of Directors shall submit an annual financial report to the Mayor and the Council no later than March 1st of each year.
- (g) The Board of Directors shall publicize the availability of a tax check-off for students who need postsecondary education assistance. The Mayor shall assist the Board of Directors in educating the public regarding the tax check-off and taxpayer participation in the tax check-off.
- (h) The Board of Directors shall take any necessary steps to encourage the federal government to match the funds generated through the tax check-off.

ENROLLED ORIGINAL

(i) The Board of Directors may recommend other means to generate funds to assist needy families with postsecondary education opportunities.

(j) The Board of Directors shall encourage collaborative efforts and foster a public-private partnership in the development of postsecondary education programs.

(k) The Board of Directors shall advise the Mayor and the Council on the actions needed to insure effective funding for postsecondary education for needy families.

Sec. 807. Rules of procedure; contributions.

(a) The Board of Directors may develop rules of organization and procedure pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

(b) The Board of Directors shall encourage and is authorized to accept in-kind contributions from public or private agencies.

(c) The Board of Directors shall publish a list of grant awards in an annual report. The Board of Directors shall request the assistance of the media in publicizing to the general public the grant awards.

Sec. 808. Rules.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

(b) The rules shall include standards for:

(1) The transfer of funds to the Trust Fund; and

(2) The reimbursement of costs incurred by the Mayor in the collection, processing, accounting, or disbursement of the funds generated by the tax check-off.

Sec. 809. Applicability.

The provisions of this title shall apply to any tax year beginning after December 31, 2001.

Sec. 810. Dissolution.

Except as otherwise provided in a contract or legacy transferring or loaning property to the Trust Fund, upon dissolution of the Trust Fund, all remaining assets shall be transferred to the Mayor. The Mayor shall make every effort to use the assets to provide postsecondary education assistance to needy families.

PART B

Sec. 831. Chapter 18 of Title 47 of the District of Columbia Official Code is amended by adding a new section 47-1812.11c to read as follows:

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"§ 47-1812.11c. Postsecondary Education Assistance Tax Check-Off.

"(a) There shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates an individual may contribute a minimum of \$1 to the Postsecondary Education Assistance Trust Fund ("Trust Fund") established pursuant to section 803 of the Postsecondary Education Assistance Trust Fund Tax Check-Off Temporary Act of 2004. The contribution shall reduce any refund owed to the individual taxpayer or increase the taxes owed by the individual taxpayer on the taxpayer's income tax return. The funds generated from the tax check-off shall be earmarked for the Trust Fund except that any cost incurred by the Mayor in the collection, processing, accounting, or disbursement of the funds generated by the tax check-off shall be reimbursed to the Mayor from the funds generated by the tax check-off.

"(b) The funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Trust Fund pursuant to rules issued by the Mayor that establish

timetables and procedures for transfer. Check-off funds shall be transferred to the Trust Fund only after the costs of the Mayor described in subsection (a) of this section are reimbursed.

"(c)(1) Except as provided in paragraph (2) of this subsection, any unpaid District income tax liability on an individual income tax return shall render any voluntary tax check-off election void. Any amount paid for the purpose of contributing to the Trust Fund shall be used first to satisfy any unpaid tax liability, in whole or part.

"(2) Any amount that remains after satisfaction of the unpaid tax liability shall be transferred to the Trust Fund.

"(d) The provisions of this section shall apply to any tax year beginning after December 31, 2001."

TITLE IX. APPROPRIATIONS.

Sec. 901. This act shall be subject to the availability of appropriations.

TITLE X. FISCAL IMPACT STATEMENT.

Sec. 1001. (a) The Council adopts the fiscal impact statement submitted by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

(b) With respect to Title V, the adoption of this act has no fiscal impact.

(c) With respect to Title VIII, the adoption of this act has no fiscal impact because:

(1) All monies generated by the tax check-off, and expended pursuant to the Postsecondary Education Assistance Trust Fund Tax Check-off Temporary Act of 2004, will come from donations by individual taxpayers; and

(2) All administrative cost incurred by the District in collecting, processing,

ENROLLED ORIGINAL

accounting, or disbursing the funds generated by the tax check-off will be paid for by the monies generated by the tax check-off.

TITLE XI. EFFECTIVE DATE.

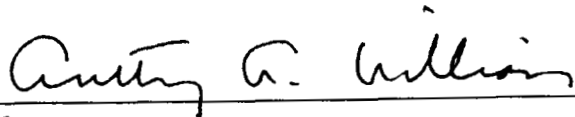
Sec. 1101. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

January 27, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-305

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, section 47-1803.03 of the District of Columbia Official Code to de-couple District of Columbia law from the bonus depreciation provisions added to the Internal Revenue Code of 1986 by the Job and Growth Tax Relief Reconciliation Act of 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bonus Depreciation De-Coupling Temporary Act of 2004".

Sec. 2. Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-1803.03

(a) Subsection (a)(7) is amended by striking the phrase "September 11, 2004" and inserting the phrase "January 1, 2005" in its place.

(b) Subsection(b)(6) is amended by striking the phrase "September 11, 2004" and inserting the phrase "January 1, 2005" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

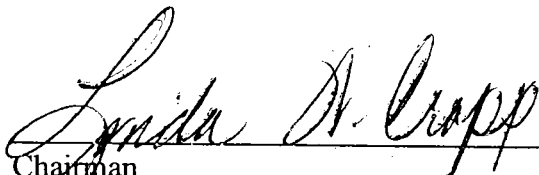
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

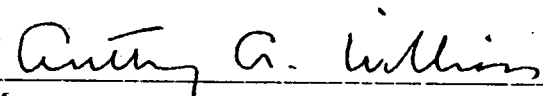
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



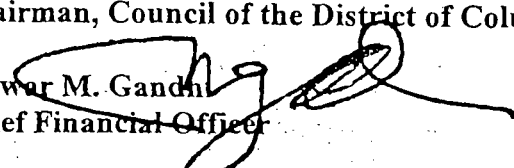
Chairman
Council of the District of Columbia



Mayor
District of Columbia
January 27, 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICERNatwar M. Gandhi
Chief Financial OfficerMEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: DEC -1 2003

SUBJECT: Fiscal Impact Statement: "Bonus Depreciation De-Coupling
From the Internal Revenue Code Emergency Act of 2003"

REFERENCE: Draft Legislation as Introduced - No Bill Number Available

Conclusion

The proposed legislation will prevent a decrease of local General Fund revenue. Without the proposed legislation, the potential net loss of revenue would be \$3.2 million in FY 2004 through FY 2007. There would be no fiscal impact in FY 2004, but a potential loss of \$4 million in FY 2005.

Background

The federal Economic Stimulus Act of 2002 increased first year depreciation by an additional 30 percent for business assets acquired after September 10, 2001 and before September 11, 2004. Last year Council action prevented this change in the Federal tax law from reducing the revenue of the District.

The proposed legislation will amend D.C. Code Title 47 § 1803.03(a)(7) which has a temporary provision to disallow this increase in depreciation for District tax purposes. Recently the federal Jobs and Growth Tax Relief Reconciliation Act of 2003 extended the provisions of the 2002 Economic Stimulus Act from September 11, 2004 to January 1, 2005. The proposed legislation will continue to disallow this increase in depreciation in local law for the same period.

The Honorable Linda W. Cropp
FIS: Draft Legislation, "Bonus Depreciation De-Coupling
From the IRC Emergency Act of 2003"
Page 2 of 2

Financial Plan Impact

The proposed legislation will prevent a decrease of local General Fund revenue. In the absence of the proposed legislation, there would be a potential loss of \$4 million in FY 2005 and a net loss of revenue would be \$3.2 million in FY 2004 through FY 2007. The table in Figure 1 presents the potential revenue impact over the life of the current financial plan.

Figure 1.

Impact to the Financial Plan (in 000s)				
FY 2004	FY 2005	FY 2006	FY 2007	4 - Year Total
\$0	(\$4,000)	\$400	\$400	(\$3,200)

The positive effects on revenue arise from the fact that the depreciation deducted in 2005 reduces the basis for depreciation that the companies use on the declared property. Depreciation deductions taken in subsequent years are consequently reduced. These figures assume a 10-year average depreciation period and the use of the straight-line method.

AN ACT

D.C. ACT 15-306

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, section 47-3701(4) of the District of Columbia Official Code to clarify that the estate tax filing threshold of \$1 million applies to decedents whose death occurs on or after January 1, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Estate and Inheritance Tax Clarification Temporary Act of 2004".

Sec. 2. Section 47-3701(4) of the District of Columbia Official Code is amended as follows:

Note,
§ 47-3701

(a) Subparagraph (B) is amended to read as follows:

"(B) For a decedent whose death occurs on or after January 1, 2002:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$675,000; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$675,000.

(b) A new subparagraph (C) is added to read as follows:

"(C) For a decedent whose death occurs on or after January 1, 2003:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$345,800; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$1 million."

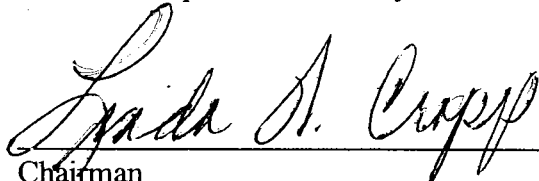
Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

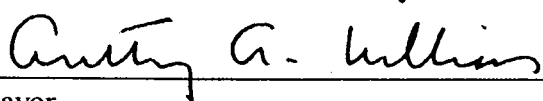
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

January 27, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: December 1, 2003
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Subject/Short Title: "Estate and Inheritance Tax Clarification Emergency Act of 2003".

Part I. Summary of the Fiscal Estimates of the Bill		YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).		()	(x)
a) It will affect local expenditures.		()	(x)
b) It will affect federal expenditures.		()	(x)
c) It will affect private/other expenditures.		()	(x)
d) It will affect intra-District expenditures.		()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).		()	(x)
a) It will impact local revenue.		()	(x)
b) It will impact federal revenue.		()	(x)
c) It will impact private/other revenue.		()	(x)
d) It will impact intra-District revenue.		()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).		(x)	
The proposed emergency legislation is a clarification of existing law, and as such will have no fiscal impact.			

Part II. Other Impact of the Bill		YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		()	(x)
1. It will affect an agency and/or agencies in the District.		()	(x)
2. Are there performance measures/output for this bill?		()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?		()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?		()	(x)
The proposed emergency legislation is a clarification of existing law, and as such will have no fiscal impact.			

Sources of information: Committee staff and Office of Tax and Revenue.	Councilmember: Evans
	Staff Person & Tel: Jeff Coudriet, 202/724-8058.
	Council Budget Director's Signature: <i>Andy P...</i>

11/1/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004Codification
District of
Columbia
Official Code

2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Election Code of 1955 to bring the District of Columbia into compliance with the Help America Vote Act of 2002.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Help America Vote Temporary Amendment Act of 2004".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph (22) to read as follows:

Note,
§ 1-1001.02

"(22) The term "voting system" means:

"(A) The total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to:

"(i) Define ballots;

"(ii) Cast and count votes;

"(iii) Report or display elections results; and

"(iv) Maintain and produce a permanent record; and

"(B) The practices and associated documentation used to:

"(i) Identify system components and versions of such components;

"(ii) Test the system during its development and maintenance;

"(iii) Maintain records of system errors and defects;

"(iv) Determine specific system changes to be made to a system after the initial qualification of the system; and

"(v) Make available any materials to the voter such as notices, instructions, forms, or paper ballots.

Note,
§ 1-1001.05

(b) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(a)(1) Accurately maintain a single, uniform, official, interactive computerized voter registration list, which shall:

“(A) Serve as the official voter registration list for the conduct of all elections in the District;

“(B) Contain the name and registration information of every duly registered voter in the District and assign a unique identifier to each duly registered voter in the District;

“(C) Be defined and administered in accordance with the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat 1666; 42 U.S.C § 15301 *et seq.*), and pertinent federal and local law; and

“(D) Be coordinated with other agency databases within the District;”.

(B) Paragraph (10) is amended to read as follows:

“(10) Be responsible for:

“(A) Providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for federal office (including procedures relating to the use of the federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in the District;

“(B) Accepting valid voter registration applications, absentee ballot applications, and absentee ballots, including federal write-in absentee ballots, from all such individuals; and

“(C) Otherwise complying with the Uniformed and Overseas Citizens Absentee Voting Act of 1986, approved August 28, 1966 (112 Stat. 2681-877; 42 U.S.C. § 1873ff *et seq.*)”.

(C) Paragraph (13) is repealed.

(2) New subsections (i) and (j) are added to read as follows:

“(i) The Board shall cause the following voting information to be publicly posted at each polling place on the day of each election for federal office:

“(1) A sample version of the ballot that will be used for the election;

“(2) The date of the election and the hours during which polling places will be open;

“(3) Instructions on the proper manner of completing a ballot, including a special ballot;

“(4) Instructions for mail-in registrants and first-time voters under section 303(b) of the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1708; 42 U.S.C § 15483);

“(5) General information on voting rights under applicable federal and District

ENROLLED ORIGINAL

laws, including the right of individual to cast a special ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

“(6) General information on federal and District law regarding prohibitions on acts of fraud and misrepresentation.

“(j) Not later than 90 days after the date of each regularly scheduled general election for federal office, the Board shall submit to the Mayor a report, in the format established by the Election Assistance Commission, on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election. The report shall be transmitted by the Mayor to the Election Assistance Commission and shall be made available to the public.”

(c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

Note,
§ 1-1001.07

(1) A new subsection (a-1) is added to read as follows:

“(a-1)(1) No application for voter registration may be accepted or processed by the Board unless it includes:

“(A) The applicant’s driver’s license number in the case of an applicant who has been issued a current and valid driver’s license; or

“(B) The last 4 digits of the applicant’s social security number in the case of an applicant who has not been issued a current and valid driver’s license.

“(2) If an applicant for voter registration has not been issued a current and valid driver’s license or a social security number, the Board shall assign the applicant a unique identifier which shall serve to identify the applicant for voter registration purposes and which shall be the same unique identifier provided for in section 5(a)(1).”

(2) Subsection (b)(1) and (2) is amended as follows:

“(1) The Board shall prepare and use a registration application form that meets the requirements of the National Voter Registration Act of 1993, approved May 20, 1993 (107 Stat. 77; 42 U.S.C. § 1973gg *et seq.*), and the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S.C. § 15301 *et seq.*), and in which each request for information is readily understandable and can be satisfied by a concise answer or mark.

“(2) Mail-in voter registration application forms approved by the Board shall meet the requirements of the National Voter Registration Act of 1993, approved May 20, 1993 (107 Stat. 77; 42 U.S.C. § 1973gg *et seq.*), and the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S.C. § 15301 *et seq.*), shall be designed to provide an easily understood method of registering to vote by mail and shall be mailed to the Board with postage prepaid. These forms shall have printed on them, in bold face type, the penalties for fraudulently attempting to register to vote pursuant to section 14(a) and the National Voter Registration Act of 1993, approved May 20, 1993 (107 Stat. 7); 42 U.S.C. § 1973gg *et seq.*). If an applicant for voter registration fails to properly complete the mail voter registration form, the Board’s registrar shall notify the applicant of the failure and provide the applicant with an

ENROLLED ORIGINAL

opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election.”.

(3) Subsection (c)(1) is amended by adding a new subparagraph (K) to read as follows:

“(K) The Board and the Bureau of Motor Vehicle Services shall match information in their respective databases to the extent required to enable each agency to verify the accuracy of the information provided on applications for voter registration.”.

(4) Subsection (g) is amended by adding a new paragraph (2A) to read as follows:

“(2A) The Board shall process faxed federal postcard applications from those persons eligible to vote absentee in federal elections held in the District of Columbia pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986, approved August 28, 1966 (112 Stat. 2681-877; 42 U.S.C. § 1873ff *et seq.*), which are faxed not later than the 30th day preceding any election.”.

(5) Subsection (i) is amended by adding a new paragraph (6) to read as follows:

“(6) Each individual who has not previously voted in a federal election in the District and who registers to vote by mail shall present, at the time of registration, at the polling place, or when voting by mail, either a copy of a current and valid government-issued photo identification or a copy of a current utility bill, bank statement, government check, or pay check that shows the name and address of the voter. Individuals who fail to present any such forms of identification shall vote by special ballot. This paragraph shall not apply to individuals:

“(A)(i) Whose registration application includes either a driver’s license number or at least the last 4 digits of his or her social security number; and

“(ii) Whom the Board has been able to match the provided information with an existing identification record bearing the same number, name, and date of birth as provided in the registration application; or

“(B) Entitled to vote otherwise than in person under federal law.”.

(d) Section 9 (D.C. Official Code § 1-1001.09) is amended as follows:

Note,
§ 1-1001.09

(1) A new subsection (d-2) is added to read as follows:

“(d-2) An individual who votes in an election for federal office as a result of a federal or local court order or any other order extending the time established for closing the polls by a District law in effect 10 days before the date of the election shall vote in the election by casting a special ballot. A ballot cast under the preceding sentence shall be separated and held apart from other special ballots cast by those not affected by the order.”.

(2) Subsection (e) is amended as follows:

(A) Paragraph (2) is amended to read as follows:

“(2) Not later than the Tuesday following the election, during regular business hours, the Board shall maintain a toll-free telephone service by which any voter who has voted a challenged or special ballot may learn of the Board's preliminary decision to count or reject his

ENROLLED ORIGINAL

or her ballot along with the reason for each decision.”.

(B) Paragraph (3) is amended to read as follows:

“(3) If the Board has made a preliminary determination that a challenged ballot shall not be counted, it shall afford the challenged voter an opportunity to contest that determination in a hearing before the Board. The hearing authorized pursuant to this paragraph shall occur not earlier than 8 days, and not later than 10 days, after any election held pursuant to this act. The Board shall inform the voter of the date scheduled for the hearing and the manner by which he or she may learn of the Board's final decision to count or reject the voter's challenged ballot. The notice shall be in writing and shall be provided to the voter at the time of voting. At the hearing, the voter may appear and testify. The Board shall make a final determination within 2 days after the date of the hearing. The voter may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the date of the Board's decision. The decision of the court shall be final and not appealable.”.

(3) A new subsection (k) is added to read as follows:

“(k) Each voting system used in an election in the District shall meet or exceed the voting system standards set forth in the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S.C. § 15301 *et seq.*). The Board may implement additional standards if they do not conflict with those set forth in the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1606; 42 U.S.C. § 15301 *et seq.*).”.

(e) Section 10(b)(1) (D.C. Official Code § 1-1001.10(b)(1)) is amended by striking the phrase “7:00 a.m. to 8:00 p.m.” and inserting the phrase “7:00 a.m. to 8:00 p.m., except in instances when the time established for closing the polls is extended pursuant to a federal or District court order or any other order.” in its place.

Note,
§ 1-1001.10

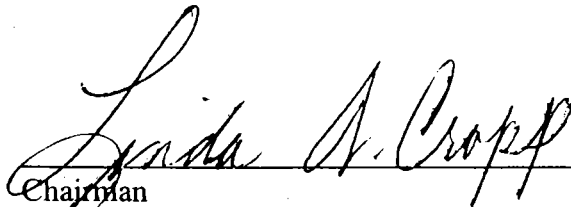
Sec. 3. This act shall have no fiscal impact.

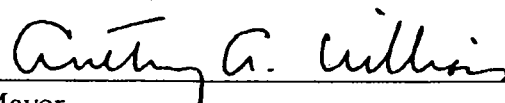
Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-308

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of the Crispus Attucks Development Corporation, a tax-exempt organization, and to provide equitable real property tax relief to the organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Assistance Temporary Act of 2004".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents to the chapter is amended by adding a new section designation "§ 47-1057. Crispus Attucks Development Corporation, lot 0046 in square 3117."

(b) A new section 47-1057 is added to read as follows:

"§ 47-1057. Crispus Attucks Development Corporation, lot 0046 in square 3117.

"The real property located at 77 U Street, N.W., Washington, D.C., lot 0046 in square 3117, shall be exempt from all taxation so long as the same is used in carrying out the public purposes and activities of the Crispus Attucks Development Corporation and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009."

Sec. 3. Real property taxes, interest, penalties, fees, and other related charges assessed against the property located at 77 U Street, N.W., Washington, D.C., lot 0046 in square 3117, for the period of July 1, 1989 through January 31, 2003, shall be forgiven.

Sec. 4. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

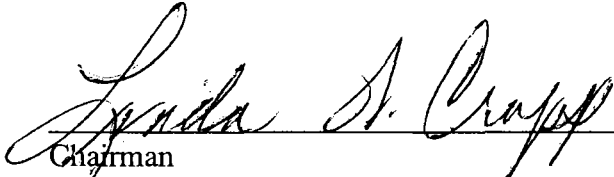
ENROLLED ORIGINAL

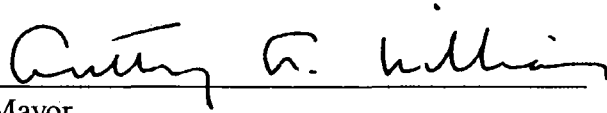
Sec. 5. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). This act shall take effect subject to an appropriation in the permanent bill to cover the fiscal impact identified in the attached fiscal impact statement.

Sec. 6. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

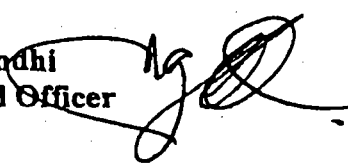
Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: DEC 16 2002

SUBJECT: Fiscal Impact Statement: "Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2002"

REFERENCE: Draft Legislation as Introduced - Number Not Available

Conclusion

Funds are not sufficient in the FY 2003 through FY 2006 budget and financial plan as agreed to by the mayor and the Council of the District of Columbia. Implementing the provisions of the proposed legislation will result in unbudgeted reductions in real property tax revenue. The proposed foregone property tax and exemption will cause additional local General Fund revenue reductions of \$295,000 in FY 2003 and approximately \$325,000 in FY 2003 through FY 2006.

Background

The subject property was originally granted exempt status on July 1, 1977. It was returned to the tax roll effective July 1, 1989. Office of Tax and Revenue (OTR) sold the lien for this property for tax years 1990 through 1995 at the tax sales in 1996. Liens on this property for tax years 1996, 1997 and 1998 were also sold to individuals at OTR's annual tax sale in subsequent years.

The proposed legislation provides the Crispus Attucks Development Corporation with relief from all real property tax liability for Lot 0046 in Square 3117 located at 77 'U' Street, N.W. Provisions of the proposed legislation will require the District to forego or refund all real property taxation from October 1, 1994 to present including all fees,

The Honorable Linda W. Cropp
FIS: Draft Legislation, "Crispus Attucks Development Corporation
Real Property Tax Exemption and Equitable Real Property Tax Relief"
Page 2 of 2

penalties, interest and other related charges¹. The proposed legislation will exempt the subject property from future real property taxation conditioned on the owners maintaining the activities on the property as serving public purposes and not for commercial purposes.

Financial Plan Impact

Funds are not sufficient in the FY 2003 through FY 2006 budget and financial plan because the proposed legislation will result in unbudgeted reductions in real property tax revenue and tax refunds. The following table presents the estimated reduction to local General Fund revenue caused by the proposed tax relief and real property tax exemptions. An inflationary factor is applied beginning in tax year 2004.

Estimated Reduction in Local General Fund Revenue (\$ in 000s)				
FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
\$295	\$9	\$10	\$11	\$325

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

¹ The District may be liable for attorney fees resulting from a terminated green property lien foreclosure stalled in July 2000. The full amount is yet to be disclosed.

AN ACT

D.C. ACT 15-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 27, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, the Washington Convention Center Authority Act of 1994 to extend the terms of the appointees of the Washington Convention Center Authority Advisory Committee until June 30, 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Advisory Committee Continuity Temporary Act of 2004".

Sec. 2. Section 218(g) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.18(g)), is amended to read as follows:

Note,
§ 10-1202.18

"(g) The Committee shall continue to advise the Authority until June 30, 2004, at which time it shall be dissolved."

Sec. 3. Fiscal impact statement.

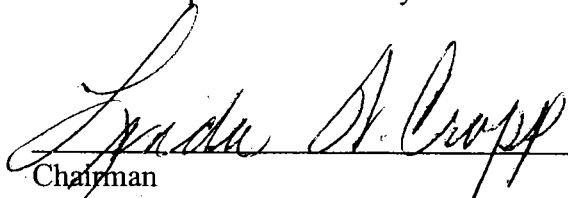
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

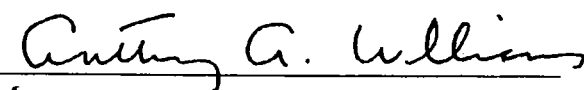
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
January 27, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-310

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of the Southeast Neighborhood House and to provide equitable real property tax relief to the organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Southeast Neighborhood House Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2004".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"§ 47-1057. Southeast Neighborhood House, lots 0808, 0904, and 0905 in square 5802."

(b) A new section 47-1057 is added to read as follows:

"§ 47-1057. Southeast Neighborhood House, lots 0808, 0904, and 0905 in square 5802.

"(a) The properties located in the District of Columbia described as lots 0808, 0904, and 0905 in square 5802, situated in the 1200 block of Maple View Place, S.E., and the 2200 block of Mount View Place, S.E., owned, occupied, and used by the Southeast Neighborhood House, are hereby exempt from all taxation so long as these same properties continue to be so owned and occupied, and not used for commercial purposes, subject to the provisions of § 47-1002, providing for exemption of certain real properties.

"(b) All real property taxes, interest, penalties, fees, and other related charges assessed against the Southeast Neighborhood House for the period October 1, 1996, to September 30, 2002, on real property located at the 1200 block of Maple View Place, S.E., and the 2200 block of Mount View Place, S.E., Washington, D.C., lots 0808, 0904, and 0905 in square 5802, shall be forgiven.

"(c) This section shall apply as of November 7, 2003."

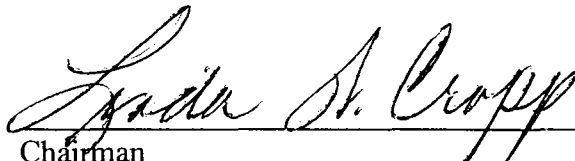
Sec. 3. Fiscal impact statement.

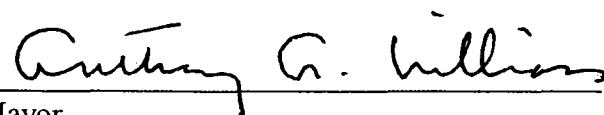
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
January 27, 2004

Government of the District of Columbia
Office of the Chief Financial Officer




Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

MAY - 3 2002

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: MAY - 3 2002

SUBJECT: Fiscal Impact Statement: "Southeast Neighborhood House
Real Property Tax Exemption and Equitable Real Property
Tax Relief Emergency Act of 2002"

REFERENCE: Draft Legislation - No Bill Number Available

Conclusion

Funds are not sufficient in the proposed FY 2002 through FY 2005 budget and financial plan to implement the proposed legislation. The District will forego \$78,252 in real property tax in FY 2002 through FY 2005.

Background

The proposed legislation would exempt and forgive real property tax on property identified as lots 0808, 0904 and 0905 in Square 5802. In addition, the proposed legislation would forgive accrued interest, related charges and penalties on unpaid real property tax liabilities for the subject property. The property is located at the 1200 block of Maple View Place, S.E. and the 2200 block of Mount View Place, S.E.

Financial Plan Impact

Funds are not sufficient in the FY 2002 through FY 2005 budget and financial plan because provisions of the proposed legislation will reduce net local General Fund revenue by \$78,252. This figure represents taxes, penalties and interest on the subject property

The Honorable Linda W. Cropp
FIS: Draft Legislation, "Southeast Neighborhood House
Real Property Tax Relief Act of 2002"
Page 2 of 2

for the period of Tax Years 1996 to 2005. No payments were received during the period of 1996 to present. The following table presents the net local General Fund revenue loss.

Estimated Foregone Revenue Impacting Financial Plan				
FY 2002	FY 2003	FY 2004	FY 2005	4-Year Total
\$61,433	\$5,415	\$5,604	\$5,800	\$78,252